

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Luke Petrinovic	Team: Squad #1	CCRB Case #: 201704488	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 06/02/2017 10:30 PM	Location of Incident: 20th Precinct stationhouse	Precinct: 20	18 Mo. SOL 12/2/2018	EO SOL 12/2/2018	
Date/Time CV Reported Tue, 06/06/2017 2:53 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 06/06/2017 2:53 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Charles Zwilling	02777	935452	020 PCT
2. POM Ronnie Fernandez	06024	934855	020 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Ronnie Fernandez	Abuse: Police Officer Ronnie Fernandez forcibly removed § 87(2)(b) to the hospital.	
B.SGT Charles Zwilling	Abuse: Sergeant Charles Zwilling forcibly removed § 87(2)(b) to the hospital.	

Case Summary

On June 6, 2017, § 87(2)(b) filed this complaint over the phone with the CCRB.

On June 2, 2017, at approximately 10:30 p.m., § 87(2)(b) went to the 20th Precinct stationhouse, in Manhattan. She was there to follow up on a complaint that she had filed about being harassed by her neighbors. § 87(2)(b) had been filing numerous complaints against her neighbors, who she believed had been conspiring together to harass her. She had filed complaints about her neighbors knocking on her door and kicking it, damaging it in the process. Earlier that day, she had called 911 to file another complaint about her neighbors kicking her door, and PO Ronnie Fernandez, of the 20th Precinct, had responded. He had refused to make a report about it, saying that they already had reports on file. § 87(2)(b) objected to this, and decided to go to the 20th Precinct to get him to file a report about it.

At the stationhouse, § 87(2)(b) spoke with Sgt. Charles Zwilling, of the 20th Precinct. Eventually PO Fernandez came to the stationhouse. They would not listen to her complaints about her neighbors, and did not seem to care that she wanted to file a report. Both officers refused to speak with her, and she waited in the lobby of the stationhouse without speaking with anyone. After approximately 30 minutes, PO Fernandez approached § 87(2)(b) and told her to place her hands behind her back. He placed § 87(2)(b) in handcuffs without explaining why. An ambulance arrived at the stationhouse, and § 87(2)(b) was taken to a psychiatric hospital (**Allegations A and B**). She was released two days later, after being diagnosed with Post Traumatic Stress Disorder.

Mediation, Civil and Criminal Histories

- Mediation was offered to § 87(2)(b) over the phone on June 26, 2017. § 87(2)(b) rejected mediation, stating that she did not want to see the officers.
- As of July 27, 2017, no Notice of Claim related to this incident has been filed with the New York City Comptroller's Office (Board Review 01).
- As of July 13, 2017, Office of Court Administration shows no record of any criminal convictions for § 87(2)(b) (Board Review 02).

Civilian and Officer CCRB Histories

- This is the first CCRB complaint involving § 87(2)(b) (Board Review 03).
- PO Fernandez has been the subject of eight previous CCRB allegations across six previous cases during his thirteen year tenure with the NYPD. None of them were substantiated, and none concerned the forcible removal of a civilian to a hospital (Board Review 04).
- Sgt. Zwilling has been the subject of three previous CCRB allegations across two cases during his thirteen year tenure with the NYPD. There have been two substantiated allegations made against Sgt. Zwilling (Board Review 05):
 - In case 200808381, Sgt. Zwilling was found to have used excessive force and issued a retaliatory summons. The CCRB recommended charges, and instructions were issued by the NYPD.

Potential Issues

- § 87(2)(b) refused to sign HIPAA forms providing the CCRB access to her medical records, stating that she was not comfortable providing that information to the CCRB. As a result, the investigation was unable to obtain verification of her mental state from medical providers.

Findings and Recommendations

Allegation A – Abuse of Authority: Police Officer Ronnie Fernandez forcibly removed

§ 87(2)(b) **to the hospital.**

Allegation B – Abuse of Authority: Sergeant Charles Zwilling forcibly removed

§ 87(2)(b) **to the hospital.**

It is undisputed that § 87(2)(b) was taken to the hospital for a psychiatric evaluation; however, the circumstances are disputed. § 87(2)(b) stated that she went to the stationhouse in order to file a harassment complaint against her neighbors, because PO Fernandez had refused to make a report of it when he responded to her apartment earlier that day. She approached Sgt. Zwilling and began speaking to him, but he ignored her. She became agitated and raised her voice, and kept asking to speak about her complaints. Sgt. Zwilling kept ignoring her, so she waited in the lobby of the stationhouse and kept trying to get the attention of different officers by asking to speak about her complaints.

This lasted approximately 20 minutes, during which she would occasionally raise her voice to try and get people's attention. PO Fernandez approached her and, without speaking with her at all, placed her in custody. EMTs arrived a short time later, and PO Fernandez told them that § 87(2)(b) was having a psychotic episode. She was taken to § 87(2)(b), where she was treated in the psychiatric wing (Board Review 06). § 87(2)(b) provided a discharge report that noted that upon release she was referred to a comprehensive assessment center, the Family Justice Center, and Safe Horizons (Board Review 10).

Sgt. Zwilling (Board Review 07) and PO Fernandez (Board Review 08) gave consistent testimony about the incident. Both stated that § 87(2)(b) was known to them and other officers in the precinct for filing a series of strange and seemingly unfounded harassment complaints against her neighbors. Both had responded to her home on previous calls and investigated her complaints against her neighbors. § 87(2)(b) would allege that her neighbors were all talking with each other and planning to harass her, and would repeatedly knock on her door and kick it, but then would not be there when she opened the door to check. She also alleged that her neighbors were installing listening devices in her home to conduct surveillance on her. § 87(2)(b) also had previously alleged that something that she described as a "Ghost" had entered her apartment. § 87(2)(b) When officers had spoken with § 87(2)(b)'s neighbors, they had consistently stated that they never had any contact with § 87(2)(b). Based on these interactions and similar stories from other officers, both officers believed that § 87(2)(b) suffered from psychiatric problems.

The officers gave consistent testimony about § 87(2)(b)'s time in the stationhouse as well. They described her as repeatedly raising the issue of her complaints against her neighbors, which both officers explained that they could not do anything about. She was speaking incoherently, talking in circles, appeared unable to understand what the officers were trying to tell her. PO Fernandez stated that, after speaking about her harassment allegations for several minutes, § 87(2)(b) then brought up her story about a "Ghost," at which point PO Fernandez concluded that she

needed to be evaluated by EMTs, as she might have been in need of psychiatric help. Sgt. Zwilling was not present for this part of the interaction. Neither officer believed that § 87(2)(b) was a threat to others, and she did not appear to be violent or physically aggressive. When EMTs evaluated § 87(2)(b) she repeated her story about the “Ghost” and they determined that she should be brought to a hospital for psychiatric evaluation.

In § 87(2)(b)'s statements to the CCRB she alleged that neighbors were conspiring for unknown reasons to knock on and kick her door before leaving. § 87(2)(g)

§ 87(2)(g)

Under the provisions of Patrol Guide Procedure 221-13, which covers mentally ill or emotionally disturbed persons, the safety of all persons is paramount in cases involving emotionally disturbed persons who may be unwilling to obtain medical attention for themselves. An emotionally disturbed person should be taken into custody if they are observed to be conducting themselves in a manner likely to result in serious injury to them (Board Review 09).

§ 87(2)(g)

Squad:

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date